

**REMARKS**

By the present amendment, Applicant has amended the Specification and claims 1, 3, 10, and 15-17. Support for the claim amendment may be found at paragraphs 0035 and 0036, for example. No new matter has been added. Claims 1-23 remain pending in this application.

In the Office Action<sup>1</sup>, the Examiner objected to the Specification; rejected claims 1-7 and 9-23 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent App. Pub. No. 2004/0128695 to Shin ("Shin") in view of U.S. Patent App. Pub. No. 2002/0184649 to Wilson ("Wilson"); and rejected claim 8 as being unpatentable over *Shin*, in view of *Wilson*, and further in view of U.S. Patent No. 6,704,930 to Eldering et al. ("Eldering"). Applicant respectfully traverses the rejections.

**I. Objection to the Specification**

Regarding the objection to the Specification, Applicant has amended the Specification as suggested by the Examiner. Therefore, Applicant respectfully requests that the Examiner withdraw the objection to the Specification.

**II. Rejection of Claims 1-7 and 9-23 under 35 U.S.C. § 103(a)**

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 6 (Sept. 2007). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* "A

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original). In this application, a *prima facie* case of obviousness has not been established because the Examiner has not clearly articulated a reason why one of ordinary skill would find the claimed combination obvious in view of the cited references.

Independent claim 1 recites a method of transmitting multimedia data including, for example:

...  
associating a set of the respective streams into at least one additional stream;  
transmitting the at least one additional stream to an intermediate point;  
receiving, at the intermediate point, the at least one additional stream;  
parsing, at the intermediate point, the at least one additional stream into channel streams  
...

(emphasis added).

*Shin* discloses a system “capable of switching a selected channel” (paragraph 0013). Channel allocating switch 5 in *Shin* allocates channels to television broadcast

content servers 1-1, 1-2, . . . , 1-N, default server 2, and router 3, allocates the channels to the appropriate VLANs, and forwards the “broadcast contents or frames” to the appropriate VLANs (paragraph 0044-0045 and Figs. 3 and 4). Channel allocating switches 8-1 and 8-2 allocate “one or more of the channels to each of the television broadcast content receiving terminals 7-1 and 7-2 (7-3 and 7-4)” (paragraph 0046 and Figs. 3 and 4).

The Examiner correctly states that *Shin* does not “disclose combining a set of the respective streams into at least one additional stream” (Office Action at page 3). Therefore, *Shin* does not teach or suggest “associating a set of the respective streams into at least one additional stream,” as recited in claim 1.

In addition, Applicant submits that *Shin* does not teach or suggest the claimed “intermediate point.” Channel allocating switches 5 and 8 in Fig. 4 of *Shin* cannot receive the claimed “at least one additional stream” at least because *Shin* is silent with respect the claimed step of “associating a set of the respective streams into at least one additional stream.” Moreover, even assuming that channel allocating switch 8 can receive a stream, which Applicant does not concede, channel allocating switch 8 does not parse a stream “into channel streams.” No parsing occurs in *Shin*.

Therefore, *Shin* does not teach or suggest “receiving, at the intermediate point, the at least one additional stream” and “parsing, at the intermediate point, the at least one additional stream into channel streams,” as further recited in claim 1.

*Wilson* does not compensate for the deficiencies of *Shin*. *Wilson* discloses “allocating packer identifiers (PIDs) to the digital packets of a transport stream” (paragraph 0011). The Examiner states that combiner 230 in *Wilson* achieves the

claimed “associating a set of the respective streams into at least one additional stream,” as recited in claim 1 (Office Action at page 3).

Even assuming that combiner 230 in *Wilson* can associate a set of the respective streams into at least one additional stream, which Applicant does not concede, *Wilson* does not teach or suggest the claimed “intermediate point.” Therefore, *Wilson* does not teach or suggest “receiving, at the intermediate point, the at least one additional stream” and “parsing, at the intermediate point, the at least one additional stream into channel streams,” as recited in claim 1.

As set forth above, the combination of *Shin* and *Wilson* do not teach or suggest claim 1. Accordingly, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art and a *prima facie* case of obviousness has not been established with respect to claim 1.

Claim 1 is allowable for at least these reasons, and claims 2-7 and 9 are also allowable at least due to their depending from claim 1. Independent claim 15, while of different scope, recites elements similar to those of claim 1 and is thus also allowable over *Shin* and *Wilson* for reasons similar to that discussed above for claim 1.

Independent claim 10 recites “parsing, at the intermediate point, the first stream into the plurality of second streams.” Applicant submits that *Shin* and *Wilson* do not teach or suggest at least the claimed “parsing.” Therefore, claim 10 is also allowable over *Shin* and *Wilson* and claims 11-14 are also allowable at least due to their dependence from claim 10. Independent claim 16, while of different scope, recites

elements similar to those of claim 10 and is thus also allowable over *Shin* and *Wilson* for reasons similar to that discussed above for claim 10.

Independent claim 17 recites “a second switch for receiving the at least one additional stream from the network, parsing the at least one additional stream into respective streams, and extending the virtual broadcast domain of one of the respective streams to subscribers requesting the respective stream” (emphasis added). Applicant submits that there is no teaching or suggestion in *Shin* that either channel allocating switch 5 or channel allocating switch 8 parses “at least one additional stream into respective streams.” Therefore, claim 17 is also allowable over *Shin* and *Wilson* and claims 18-23 are also allowable at least due to their dependence from claim 17.

### **III. Rejection of Claim 8 under 35 U.S.C. § 103(a)**

Regarding the rejection of claim 8, which depends from claim 1, the Examiner relies on *Eldering* for allegedly disclosing “statistically multiplexed [the] respective streams . . . into a single constant bit rate stream” (Office Action at page 9). Even assuming this allegation is correct, which Applicant does not concede, *Eldering* fails to cure the deficiencies of *Shin* and *Wilson* discussed above. *Eldering* discloses “a method and apparatus for the insertion and transport of advertisements in a digital environment” (col. 1, lines 56-58). However, *Eldering* does not teach or suggest “receiving, at the intermediate point, the at least one additional stream” and “parsing, at the intermediate point, the at least one additional stream into channel streams,” as recited in claim 1, and required by dependent claim 8.

As explained above, the elements of claim 1 are neither taught nor suggested by the prior art references, whether taken individually or in combination. Furthermore, as

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outlined above, the Examiner has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. Therefore, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art and a *prima facie* case of obviousness has not been established. Claim 8 is also allowable over *Shin*, *Wilson*, and *Eldering* for at least the same reasons as claim 1.

### CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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